

flavor had been substituted for quality table sirup, which the said article purported to be.

Misbranding was alleged in the information with respect to the coffee and table sirup for the reason that the statements, to wit, "One Pound Net Weight," "1 Pint 12 Fl. Oz.," or "3½ Pints," as the case might be, borne on the packages containing the articles, were false and misleading, in that the said statements represented that the packages contained the amounts declared thereon, and for the further reason that the articles were labeled as aforesaid so as to deceive and mislead the purchaser into the belief that the said packages contained the amounts declared thereon, whereas they did not contain the respective quantities declared on the labels but did contain less amounts. Misbranding of the bakers jelly was alleged for the reason that the statement, to wit, "Net Weight 5 Lbs.," borne on the pails containing the article, was false and misleading, in that the said statement represented that the pails contained no more than 5 pounds of the article, whereas each of said pails did contain more than 5 pounds of the said article. Misbranding was alleged with respect to all the products for the further reason that they were food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages.

Misbranding of the sirup was alleged for the reason that the statements, to wit, "Quality Table Syrup," in large, distinct type, and the statements, to wit, "Corn Syrup Extra Cane Sugar Imitation Maple Flavor," in small indistinct type, borne on the labels, were false and misleading, in that the statement "Quality Table Syrup," in conspicuous type, represented that the article was table sirup of good quality, namely, table sirup devoid of glucose, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was quality table sirup, namely, a table sirup not containing glucose, whereas the said article was not sirup of good quality in that it was composed largely of glucose. Misbranding was alleged for the further reason that the article was an imitation of and was offered for sale under the distinctive name of another article.

On October 9, 1925, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$325.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13843. Adulteration and misbranding of canned clams. U. S. v. 15 Cases of Canned Clams. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 20317. I. S. No. 5412-x. S. No. E-5451.)

On September 9, 1925, the United States attorney for the District of Rhode Island, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 15 cases of canned clams, remaining in the original unbroken packages at Providence, R. I., alleging that the article had been shipped by Hinkley, Stevens & Co., from Columbia Falls, Me., on or about May 12, 1925, and transported from the State of Maine into the State of Rhode Island, and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: "Clams Contents 5 Oz."

Adulteration of the article was alleged in the libel for the reason that excessive brine had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength and had been substituted in part for the said article.

Misbranding was alleged for the reason that the statement "Clams Contents 5 Oz.," borne on the labels, was false and misleading and deceived and misled the purchaser, for the further reason that the article was offered for sale under the distinctive name of another article, and for the further reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On September 9, 1925, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13844. Misbranding of butter. U. S. v. Macon Creamery Co. Plea of guilty. Fine, \$25.** (F. & D. No. 17950. I. S. No. 6192-v.)

On March 11, 1924, the United States attorney for the Southern District of Mississippi, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Macon Creamery Co., a corporation, Macon, Miss., alleging shipment by

said company, in violation of the food and drugs act as amended, on or about June 18, 1923, from the State of Mississippi into the State of Alabama, of a quantity of butter which was misbranded. The article was labeled in part: "1 Lb. Net Weight."

Examination by the Bureau of Chemistry of this department of 119 packages of the article showed an average net weight of 15.25 ounces.

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "1 Lb. Net Weight," borne on the packages containing the article, was false and misleading in that the said statement represented that the packages contained 1 pound net of butter, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that the said packages contained 1 pound net of butter, whereas each of the said packages did not contain 1 pound net of butter but did contain a less amount. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On September 22, 1925, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$25.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13845. Adulteration and misbranding of butter. U. S. v. 15 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond or upon deposit of collateral. (F. & D. No. 20499. I. S. No. 7142-x. S. No. E-5496.)**

On September 30, 1925, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 15 tubs of butter, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by the Milton Creamery Co., Milton Junction, Wis., on or about September 19, 1925, and transported from the State of Wisconsin into the State of New York, and charging adulteration and misbranding in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that a substance deficient in butterfat and containing excessive moisture had been mixed and packed therewith so as to reduce, lower, or injuriously affect its quality or strength and had been substituted in whole or in part for the said article.

Misbranding was alleged for the reason that the article was offered for sale under the distinctive name of another article.

On October 13, 1925, the Milton Creamery Co., Milton Junction, Wis., claimant, having admitted the allegations of the libel and having consented to the entry of a decree and to the reconditioning of the product so that it should contain at least 80 per cent of butterfat, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$450, or the deposit of collateral in like amount, to insure compliance with the decree, said decree providing further that the product be reworked and reprocessed under the supervision of this department.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13846. Misbranding of butter. U. S. v. Ted W. Robinson. Pleas of guilty. Fines, \$80. (F. & D. Nos. 18724, 18725, 19319. I. S. Nos. 6887-v, 6904-v, 6905-v, 8615-v, 8619-v, 18261-v, 18262-v, 18274-v.)**

On December 16, 1924, and February 8 and 17, 1925, respectively, the United States attorney for the Northern District of Texas, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district three informations against Ted W. Robinson, trading with associates as the Mistletoe Creameries, at Fort Worth and Amarillo, Tex., alleging shipment by said defendant, in violation of the food and drugs act as amended, in various consignments, namely, on or about February 15 and 25, 1923, respectively, from the State of Texas into the State of New Mexico, and on or about July 11 and 16, 1923, and June 19, 24, and 30, 1924, respectively, from the State of Texas into the State of Louisiana, of quantities of butter which was misbranded. The article was labeled in part: "Mistletoe Creamery